



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOANNE HART and AMANDA PARKE, on behalf of themselves and all others similarly situated,

Plaintiffs,

V.

BHH, LLC d/b/a Bell + Howell and VAN  
HAUSER LLC,

## Defendants.

Videotaped Deposition of DEBBIE FEUERSTEIN, taken at 888 Seventh Avenue, New York, New York, commencing at 10:38 a.m., Tuesday, November 29, 2016, before Jamie Ann Stanton, a Shorthand Reporter and Notary Public of the State of New York.

TOB No. 2490905

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1 MR. KOPEL: Strike that. Let  
2 me rephrase the question.

3 Q. Have all the packaging designs  
4 for the Bell + Howell pest repellers  
5 stated that they are ultrasonic pest  
6 repellers?

7 A. Yes.

8 Q. And do you see below, it says --  
9 there's pictures and words. It says:  
10 Ants, mice/rats, spiders, roaches?

11 A. Yes.

12 Q. And the same question: Have all  
13 the artwork for the packaging that you  
14 recall, have they all included that  
15 illustration?

16 A. I think so, yes.

17 Q. And do you understand that  
18 illustration to mean that these products  
19 will repel those pests that are depicted  
20 on the image?

21 A Yes

22 Q. Below it, it says: Plug it in,  
23 and there is an ellipses. drive pests out.

24 Do you see that?

25 A. Yes.

1 Q. Who originally wrote that?

2 A. I think my designer took it from  
3 the artwork we have in the past.

4 Q. Sorry, he took it from the what?

5 A. From the artwork we work before.

6 Q. Are you referring to previous  
7 artwork from Bell + Howell or previous  
8 artwork for --

9 A. Previous artwork for others.

10 Q. I see. So this phrase, you  
11 think, appeared on either First Alert or  
12 Sunbeam or both?

13 A. Yes.

14 Q. What do you interpret this  
15 phrase to mean?

16 A. Plug it in, drive pest out?

17 Q. Correct.

18 A. Yeah. This is the plug-in unit.  
19 So you plug into AC outlet. Meaning don't  
20 do any work. And then ultrasonic work use  
21 to drive pest out.

22 Q. Drive pests out of a home or  
23 office?

24 A. Of the area.

25 Q. Of the area.

1           A.     Of area of room where pest  
2 repeller is.

3           Q.     So this phrase was not intended  
4 to mean that the repellers could drive  
5 pests out of a home or office?

6           MR. WING:   Object to form.

7           A.     It is.   The repeller drive the  
8 pests out from the home.

9           Q.     Oh, so it means it drives pests  
10 out from the home?

11          A.     Right, right.

12          Q.     Okay, thank you.

13          A.     Right, but the thing -- that's  
14 why we do multiple packs, because each one  
15 is perfect for the average size of the  
16 room.

17          Q.     So the multipack, so drive pests  
18 out, means if you use --

19          A.     You put in multi rooms.

20          Q.     Let me just finish the question,  
21 please.

22                 The use of the multipack and  
23 that statement on it is intended to mean  
24 that if a consumer uses all of the  
25 repellers in this pack, they will be able